

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re:

G. YVONNE STEPHENS
LARRY K. ALEXANDER,

BKY Nos. 98-34858 and 98-33694

Debtors.

G. YVONNE STEPHENS
Appellant,
v.

Civil No. 12-1423 (JRT)
Civil No. 12-1424 (JRT)

JOHN A. HEDBACK, Trustee of the
Bankruptcy Estate of G. Yvonne Stephens;

Appellee.

ORDER

* * * * *

LARRY KENNETH ALEXANDER,

Appellant,
v.

MARY JO A. JENSEN-CARTER,

Appellee.

Daniel L.M. Kennedy, **KENNEDY LAW GROUP PLLC**, 4103 East Lake Street, Minneapolis, MN 55406, for Georgina Yvonne Stephens and Larry K. Alexander.

Michael J. Iannacone, III and Mary F. Ahrens, **IANNACONE LAW OFFICE**, 8687 Eagle Point Boulevard, Lake Elmo, MN 55042, for Mary Jo A. Jensen-Carter;

John A. Hedback, **HEDBACK ARENDT KOHL & CARLSON**, 2855 Anthony Lane South, Suite 201, Saint Anthony, MN 55418, *pro se*.

This matter is before the Court on Mary Jo A. Jensen-Carter and John A. Hedback's (collectively, "Trustees") motion for attorneys' fees and costs. The Trustees bring their motions under Rule 38 of the Federal Rules of Appellate Procedure. Because the case was appealed to this Court from the Bankruptcy Court, a motion for sanctions cannot be properly brought under the Federal Rules of Appellate Procedure.¹ *See Hedges v. Resolution Trust*, 32 F.3d 1360, 1363-64 (9th Cir. 1994). The motions will be denied as improperly brought.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Appellees' Motions Pursuant to Rule 38 of the Federal Rules of Appellate Procedure [Civil No. 12-1423 Docket No. 9; Civil No. 12-1424, Docket No. 6] are **DENIED**.

DATED: August 16, 2012
at Minneapolis, Minnesota.

s/ *John R. Tunheim*
JOHN R. TUNHEIM
United States District Judge

¹ Motions for sanctions in a bankruptcy appeal to a district court may be brought under Bankruptcy Rule 9011. *Hedges*, 32 F.3d at 1364; *see In re Sendecky*, No. 01-42790, 2002 WL 341037 at *3 (D. Minn. Feb. 28, 2002).